

the workings of the Social Security Administration from both the Federal and State perspectives. That knowledge has led to expanded and improved communication and cooperation between the public and federal agencies. I am confident that he will play an important role in the creation of a new Social Security Administration. I want to extend my thanks and appreciation to Mr. Jones for all of the help and cooperation he has provided to my staff over many years, and I wish him continued success in his public service career.

#### RESPONSE TO THE HOUSE VOTE ON THE CRIME CONFERENCE REPORT

Mr. SIMPSON. Mr. President, our fine Republican leader spoke earlier, as did our able ranking member of the Judiciary Committee, in response to President Clinton's, unwarranted attack on the NRA and Republicans.

It is curious that our own President continues to be the leader of the "Gunsmoke" rhetoric about the conference report on the crime bill.

Wasteful and frivolous spending programs permeate every single page of what must be over 700 pages of stealth spending.

Unlike the tough Senate bill, what came out of the conference committee was not a real crime bill. It was the son of the economic stimulus package.

I commend our House colleagues, Republicans and Democrats, who had the strength to stand on principle; rather than be bought with pie-in-the-sky promises of Federal dollars being funneled into their congressional districts.

That took a great deal of courage, especially in an election year. The bipartisan majority that rejected the procedure to consider this conference report deserves our respect.

It is grossly misleading—we have an easier way of saying that in Wyoming—to suggest the embarrassing vote against the President was somehow orchestrated by the NRA. The NRA was certainly active—they have been throughout all the many years of debate on Run control.

But they have not been very successful lately.

The Brady bill passed, the assault weapons ban, which the NRA opposed, was included in the Senate version of this legislation. It passed with only 4 dissenting votes—on a tally of 95-4.

So I find it very curious that now, the President of the United States of America believes that suddenly, in a single-party Government, the NRA has increased its awesome powers of persuasion to atmospheric levels—and killed this legislation.

He must blame someone, and the NRA is a convenient target, because I hunch that this administration finds it hard to justify the glut of social spending in this legislation.

The crime bill conference report is nothing more than an attempt to res-

urrect the urban spending programs in the failed economic stimulus package of 1993.

This legislation is flawed. It should fail. It did.

It should be returned to the Manufacturer and replaced.

We should replace it with a real crime bill. That is what the majority of House Members said today.

#### OLD U.S. MINT N SAN FRANCISCO. CALIFORNIA ACT OF 1994

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 548, H.R. 4812, relating to the U.S. Mint in San Francisco.

The PRESIDING OFFICER. Without objection; it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4812) to direct the Administrator of General Services to acquire by transfer the Old U.S. Mint in San Francisco, CA, and for other purposes.

The Senate proceeded to consider the bill.

#### AMENDMENT NO. 2551

Mr. GORTON. Mr. President, on behalf of Senator MCCAIN, I send to the desk an amendment and I ask unanimous consent that the Senate proceed to its immediate consideration: that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2551) was agreed to, as follows:

Add at the end of the bill the following new section:

#### SEC. 2. REPAIRS OF OLD U.S. MINT, SAN FRANCISCO.

(a) IN GENERAL.—Nothing in this Act shall be construed to force the General Services Administration to repair the Old U.S. Mint building prior to repairs to other Federal buildings in greater need of repair.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 4812), as amended, was passed.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MAINTENANCE OF DAMS ON INDIAN LANDS

Mr. FORD. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged from further

consideration of H.R. 1426, a bill relating to the maintenance of dams on Indian lands: that the Senate then proceed to the immediate consideration of the bill: that the bill be read three times, passed, and the motion to reconsider be laid upon the table; further, that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1426) was deemed read the third time and passed.

#### HAZARDOUS MATERIALS TRANSPORTATION AUTHORIZATION ACT OF 1993

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 347, S. 1640, the Hazardous Materials Transportation Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1640) to amend the Hazardous Materials Transportation Act to authorize appropriations to carry out that act, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE

This Act may be cited as the "Hazardous Materials Transportation Authorization Act of 1993".

#### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 15(a) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1812(a)) is amended by striking all after "not to exceed" and inserting in lieu thereof "\$12,600,000 for fiscal year 1994, \$13,100,000 for fiscal year 1995, and \$13,600,000 for fiscal year 1996."

#### SEC. 3. EXEMPTIONS FROM REQUIREMENT TO FILE REGISTRATION STATEMENT.

Section 106(c) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1805(c)) is amended by adding at the end the following new paragraph:

"(16) FOREIGN OFFERS.—A person who is domiciled outside the United States and who offers, solely from a location outside the United States, hazardous materials for transportation in commerce does not have to file a registration statement under this subsection."

#### SEC. 4. PLANNING GRANTS FOR INDIAN TRIBES.

(a) AUTHORITY TO MAKE GRANTS.—Section 117A(a)(1) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1815(a)(1)) is amended—

(1) in the introductory matter, by inserting "and Indian tribes" immediately after "States"; and

(2) in subparagraph (A), by striking "within a State and between a State and another

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State" and inserting in lieu thereof "within the lands under the jurisdiction of a State or Indian tribe, and between the lands under the jurisdiction of a State or Indian tribe and the lands of another State or Indian tribe".

(b) **MAINTENANCE OF EFFORT**—Section 117A(a)(2) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1815(a)(2)) is amended by inserting "or Indian tribe" immediately after "State" each place it appears.

(c) **COORDINATION OF PLANNING**—Section 117A(a) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1815(a)) is amended by adding at the end the following new paragraph:

"(4) **COORDINATION OF PLANNING**.—A State or Indian tribe receiving a grant under this subsection shall ensure that planning under the grant is coordinated with emergency planning conducted by adjacent States and Indian tribes."

#### SEC. 5. TRAINING CRITERIA FOR SAFE HANDLING AND TRANSPORTATION.

Section 106(b)(3) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1805(b)(3)) is amended—

(1) in the paragraph heading, by striking "EMERGENCY RESPONSE" and (insert) inserting in lieu thereof "EMPLOYEE";

(2) by inserting "or duplicate" immediately after "conflict with"; and

(3) by striking all after "Labor relating to" through "(and amendments thereto) and" and inserting in lieu thereof "hazard communication, and hazardous waste operations and emergency response, contained in part 1910 of title 29 of the Code of Federal Regulations (and amendments thereto) or".

#### SEC. 6. DISCLOSURE OF FEES LEVIED BY STATES, POLITICAL SUBDIVISIONS, AND INDIAN TRIBES.

Section 112(b) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1811(b)) is amended—

(1) by inserting immediately after "(b) FEES.—" the following heading:

"(1) **RESTRICTION**.—"; and

(2) by adding at the end the following new paragraph:

"(2) **DISCLOSURE**.—A State or political subdivision thereof or Indian tribe that levies a fee in connection with the transportation of hazardous materials shall, upon the Secretary's request, report to the Secretary on—

"(A) the basis on which the fee is levied upon persons involved in such transportation;

"(B) the purposes for which the revenues from the fee are used;

"(C) the annual total amount of the revenues collected from the fee; and

"(D) such other matters as the Secretary requests."

#### SEC. 7. ANNUAL REPORT.

Section 109 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1808(a)) is amended by striking the first sentence and inserting in lieu thereof the following: "The Secretary shall, once every 2 years, prepare and submit to the President for transmittal to the Congress a comprehensive report on the transportation of hazardous materials during the preceding 2 calendar years."

#### SEC. 8. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary of Transportation shall ensure that the National Intelligent Vehicle-Highway Systems Program addresses, in a comprehensive and coordinated manner, the use of intelligent vehicle-highway system technologies to promote hazardous materials transportation safety. The Secretary of

Transportation shall ensure that one or more operational tests funded under such Act shall promote such safety and advance technology for providing information to persons who provide emergency response to hazardous materials transportation incidents.

#### SEC. 9. RAIL TANK CAR SAFETY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations under the following:

(1) The rulemaking proceeding under Docket HM-175A entitled "Crashworthiness Protection Requirements for Tank Cars";

(2) The rulemaking proceeding under Docket HM-201 entitled "Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Protection Flaws and Other Defects of Tank Car Tanks".

#### SEC. 10. SAFE PLACEMENT OF TRAIN CARS.

The Secretary of Transportation shall conduct a study of existing practices regarding the placement of cars on trains, with particular attention to the placement of cars that carry hazardous materials. In conducting the study, the Secretary shall consider whether such placement practices increase the risk of derailment, hazardous materials spills, or tank ruptures or have any other adverse effect on safety. The results of the study shall be submitted to Congress within 1 year after the date of enactment of this Act.

#### SEC. 11. GRADE CROSSING SAFETY.

The Secretary of Transportation shall, within 6 months after the date of enactment of this Act, amend regulations—

(1) under the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.) to prohibit the driver of a motor vehicle transporting hazardous materials in commerce, and

(2) under the Motor Carrier Safety Act of 1984 (49 App. U.S.C. 2201 et seq.) to prohibit the driver of any commercial motor vehicle, from driving the motor vehicle onto a highway-rail grade crossing without having sufficient space to drive completely through the crossing without stopping.

#### SEC. 12. DRIVER'S RECORD OF DUTY STATUS.

(a) **IN GENERAL**.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations amending section 395.8(k) of title 49, Code of Federal Regulations, to require that any supporting document bearing on the record of duty status of a driver who operates a commercial motor vehicle—

(1) be (retrained,) retained, by the motor carrier using such driver, for at least 6 months following its receipt of such document; and

(2) include information identifying the driver and vehicle related to the document.

(b) **DEFINITION**.—In this section, the term "supporting document" means any electronic or paper document or record generated in the normal course of business, in the provision of transportation by commercial motor vehicle, that could be used by a safety inspector or motor carrier to verify the accuracy of entries in a driver's record of duty status, including trip reports, pay slips, bills of lading or shipping papers, and receipts for fuel, lodging, and tolls.

#### SEC. 13. SAFETY PERFORMANCE HISTORY OF H-AND-DRIVERS.

(a) **AMENDMENT OF REGULATIONS**.—Within 18 months after the date of enactment of this Act, the Secretary of Transportation shall amend section 391.23 of title 49, Code of Federal Regulations, to—

(1) specify the safety information that must be sought under that section by a motor carrier with respect to a driver;

(2) require the source of such information be requested from former employers and that

former employers furnish the requested information within 30 days after receiving the request; and

(3) ensure that the driver to whom such information applies has a reasonable opportunity to review and comment on the information.

(b) **SAFETY INFORMATION**.—The safety information required to be specified under subsection (a)(1) shall include information on—

(1) any motor vehicle accidents in which the driver was involved during the preceding 3 years;

(2) any failure of the driver, during the preceding 3 years, to undertake or complete a rehabilitation program under section 12020 of the Commercial Motor Vehicle Safety Act of 1923 (49 App. U.S.C. 2701) after being found to have used, in violation of law or Federal regulation, alcohol or a controlled substance;

(3) any use by the driver, during the preceding 3 years, in violation of law or Federal regulation, of alcohol or a controlled substance subsequent to completing such a rehabilitation program; and

(4) any other matters determined by the Secretary of Transportation to be appropriate and useful for determining the driver's safety performance.

(c) **FORMER EMPLOYER**.—For purposes of this section, a former employer is any person who employed the driver in the preceding 3 years.

#### SEC. 14. RETENTION OF SHIPPING PAPERS.

(a) **AMENDMENT**.—Section 105(g) of the Hazardous Materials Transportation Act (49 U.S.C. 1804(g)) is amended by adding at the end the following new paragraph:

"(5) **RETENTION OF PAPERS**.—After the hazardous material to which a shipping paper provided to a carrier under paragraph (1) applies is no longer in transportation, the person who provided the shipping paper and the carrier required to maintain it under paragraph (1) shall retain the paper at their respective principal places of business. Such person and carrier shall, upon request, make the shipping paper available to a Federal, State, or local government agency at reasonable times and locations."

(b) **REGULATIONS**.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall issue regulations implementing the requirements of paragraph (5) of section 105(g) of the Hazardous Materials Transportation Act as added by subsection (a) of this section.

#### SEC. 15. TOLL FREE NUMBER FOR REPORTING.

The Secretary of Transportation shall establish a toll free "800" telephone number for transporters of hazardous materials and other individuals to report to the Secretary possible violations of the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.) or any order or regulation issued under this Act.

#### SEC. 16. TECHNICAL CORRECTIONS.

(a) **AMENDMENTS RELATING TO PACKAGING**.—(1) Sections 103(5)(B), 103(5)(A)(iii), and 103(c) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1802(5)(B), 1802(5)(A)(iii), 1803(c)) are each amended by striking "packages" and inserting in lieu thereof "packaging".

(2) Sections 103(a)(3), 105(a)(4)(B)(v), 110(a)(1), and 120 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1803(a)(3), 1804(a)(4)(B)(v), 1805(a)(1), 1813) are each amended by striking "a package" and inserting in lieu thereof ("packaging") "a packaging".

(3) Sections 105(c)(1)(B) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1805(c)(1)(B)) is amended—

(A) by striking "a bulk package" and inserting in lieu thereof ("bulk") "a bulk packaging"; and

(2) by striking "the package" and inserting in lieu thereof "the bulk packaging";

(b) ~~OTHER.~~—(1) Section 105(a)(3) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1604(a)(3)) is amended by inserting "hazardous materials" immediately after "shipped";

(2) Section 105(e)(1) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1604(e)(1)) is amended by striking "or package" and inserting in lieu thereof "package, or packaging (or a component of a container, package, or packaging)";

#### SEC. 17. EXEMPTION FROM HOURS OF SERVICE REQUIREMENTS.

The Secretary of Transportation shall exempt farmers and retail farm supplies from the hours of service requirements contained in section 395.3 of title 49, Code of Federal Regulations, when such farmers and retail farm supplies are transporting farm supplies for agricultural purposes within a 50-mile radius of their distribution point during the crop-planting season.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. EXON. Mr. President, the Hazardous Materials Transportation Authorization Act includes commonsense changes in the basic hatmac law and several related truck safety initiatives which will significantly advance safety on all modes. I know of no opposition to this measure.

The bill reauthorizes the hazmat program and incorporates several provisions to improve the use of hazmat resources by the Department of Transportation, as well as state and local authorities.

To improve emergency response training and planning, the 1994 bill would allow Indian tribes to qualify for hazmat planning grants, and clarifies the training criteria for emergency response.

The bill also requires the retention of shipping papers for improved hazmat enforcement.

To prevent retaliation from our international trading partners, a registration and fee exemption for hazmat shippers domiciled outside of the United States is included.

The hazmat bill requires that the promotion of safe hazardous materials transportation become a top priority in intelligent vehicle highway system program (IVHS). This provision which was expanded and incorporates language from a related provision in the House bill. As the author of the Senate provision, I make clear that the new provision does not create a preference for any specific system, technology, invention or provider. Any and all projects funded under this section should be subject to competitive selection.

This legislation also requires that the Department of Transportation issue final rules with regard to two pending rail tank car safety rulemakings. These rulemakings have taken on a life of their own. The previous administration let these important decisions linger for years. I have

the assurance from Federal Rail Administrator Jolene Moli toris that she will bring this proceeding to a timely conclusion.

One provision of which I am very proud attempts to motivate safe behavior at rail/highway grade crossings. Under the bill before the Senate, a new Federal fine could be imposed on any driver of a motor vehicle carrying hazardous materials or a driver of any commercial motor vehicle, who enters a highway-railroad grade crossing without having sufficient space to drive completely through the crossing without stopping. This provision is in response to the terrible tank car train accident in 1993 where a truck gridlocked on a crossing and was hit by the train. The resulting fireball killed the driver and several innocent drivers in hereby cars.

In the area of general safety enforcement, the bill improves the ability to enforce current hours of service rules for all professional drivers and recognizes that there are seasonal needs in rural America which must be recognized by the hours of service rules. The current hours of service rules recognize that small package delivery companies need accommodation during the Christmas season. The seasonal needs of farmers and farm suppliers, also deserve accommodation. Rural Americans want to obey the law. A policy of regulatory forbearance is not enough. Such a policy tells drivers to break the law because you may not be caught. However, if you are transporting farm chemicals in violation of the hours of service rules, and you are caught, the consequences could be economically catastrophic. A clear set of rules which take into account seasonal circumstances which are obeyed is not only fair to rural Americans, it is safer for all Americans. This bill requires that the Secretary review through a rulemaking the seasonal application of the hours of service rules as they apply to farmers and retail farm suppliers.

The legislation before the Senate also requires the Secretary to issue rules which will make it easier for employers to verify the safety record of new truck drivers. A trucker fired for unsafe driving, drug use or alcohol abuse should not be able to simply walk across the street to a new employer with an unsafe record hidden in the shadows of legal ambiguity.

The bill also instructs the Secretary of Transportation to create a toll free number for drivers, shippers and the public to call to report potential hazardous materials transportation act violations. Crime stopper numbers which exist in law enforcement and have led to the arrest of dangerous criminals provide a model for the Department of Transportation.

In addition, the pending legislation embraces and slightly modifies the major provisions of the House passed Hazardous Materials Transportation Act. Members and staff of the House Public Works, Senate Commerce and

House Energy and Commerce Committees worked together to craft a compromise bill which significantly advances the public safety. I am especially pleased to support the House provisions which enhance hazmat worker training.

I urge my colleagues to join me in supporting the swift enactment of the Hazardous Materials Transportation Authorization Act of 1994.

Thank You. Mr. President.

#### AMENDMENT NO. 2552

(Purpose: An amendment in the nature of a substitute to amend the Hazardous Materials Transportation Act, to authorize appropriations for that act, to provide for trucking industry reform, and for other purposes)

Mr. FORD. Mr. President, on behalf of Senator EXON, I send to the desk a substitute amendment and I ask unanimous consent that the Senate proceed to its immediate consideration: that the amendment be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2552) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. EXON. Mr. President, I am pleased to offer the Trucking Regulatory Reform Act of 1994 as an amendment to S. 1640, the Hazardous Materials Transportation Authorization Act of 1994. This legislation pursues a comprehensive trucking regulatory reform agenda which is designed to meet the legitimate concerns about the expense of trucking regulation expressed by both Houses of Congress.

This legislation was crafted after close consultations with the bipartisan membership of the Interstate Commerce Commission; Members of both parties and Houses of Congress, shippers, truckers, brokers and the administration.

This landmark legislation will improve surface transportation efficiency, save taxpayer dollars, protect the public interest and preserve transportation safety.

The legislation before the Senate is a compromise proposal designed to draw the Congress back from the brink of rash and unreasonable action with regard to the future of the Interstate Commerce Commission. It is an effort to pursue needed reform in Federal trucking regulation and at the Interstate Commerce Commission while at the same time preserving the much needed safety, dispute resolution and independent functions of the commission.

The Exon-Packwood amendment represents fundamental reform in trucking regulation. It also offers the Congress an opportunity to save real money, rather than just shuffle expense from one agency to another.

There are five basic elements of this reform package. Under this proposal:

(1) the obligation to file rates would be eliminated for individual truck companies; (2) entry review would be streamlined and limited, to insurance and safety matters; (3) the ICC would be given exemption authority over trucking matters under its jurisdiction; (4) the Secretary of Transportation would be required to report to the Congress on future organizational options for the ICC and whether further operational and regulatory efficiencies can be achieved; (5) following the philosophy of section 211 of the Airport Improvement Act of 1994 which preempts state regulation of motor carrier rate, route and services, the intra-state rate regulation of interstate bus services would preempted.

The Exon-Packwood trucking regulatory reform amendment builds on the success of the Negotiated Rates Act, which this Congress enacted last year ending the nightmare of the undercharge claims form Bankrupt trucking companies. The amendment does nothing to weaken the protections of the Negotiated Rates Act and contains specific language to prevent a future undercharge crisis.

I ask the appropriations conference committee to consider this reform agenda in when it takes up the transportation appropriations bill. This reform agenda will save at least 150 million over years and likely much more.

The harsh, rash and possibly expensive action of the House of Representatives to defund the ICC without dealing with any commission functions should be balanced against this responsible, prudent approach.

Mr. President, the Negotiated Rates Act, section 212 of the 1994 Airport Improvement Program Act and this legislation form a trilogy of historic trucking economic reform legislation adopted by the 103d Congress and fully supported by the Clinton administration.

Years of gridlock, turf protection, and mistrust have been replaced by an agenda of change, productivity and efficiency. The Nation has a secretary of transportation committed to safety and efficiency and a interstate commerce commission committed to its mission of protecting the public interest and advancing interstate commerce. These two facts make this reform agenda not only possible but responsible.

This trilogy of legislation will not only save tens of millions of dollars for Federal and State taxpayers, they will save hundreds of millions of dollars for the private sector and add to the efficiency of the greatest transportation network in the world.

Let no one interpret this agenda of reform as a license for the irresponsible. In the past, economic regulation often served as a proxy for safety regulation. The theory was that regulation and protection from competition would assure safe operations and equipment. However, we have learned that regulation for regulation's sake can divert re-

sources away from safety and coward red tape.

This reform agenda will require the Congress and the States to rededicate and redeploy their resources to tough, modern and thorough safety enforcement. By and large, the private sector has at long last learned the link between safe operations and competent drivers and the bottom line. The slip, shod, the careless and the reckless in the trucking industry should take no comfort in today's action. As long as I have a role in transportation policy, I will insist on the highest levels of safety possible.

I encourage my colleagues to support the Trucking Regulatory Reform Act and congratulate my colleagues of the 103d Congress and the administration for enacting a body of legislation which at least in the motor carrier segment of the economy reinvents government, enhances productivity, and preserves public safety.

Mr. HOLLINGS. Mr. President, I rise in support of S. 1640, the Hazardous Materials Transportation Authorization Act of 1994, as amended by Senator EXON's amendment in the nature of a substitute. The bill as amended authorizes funding for the Department of Transportation's hazardous materials transportation program and provides for regulatory reform of the trucking industry. I urge my colleagues to support this legislation.

A safe and efficient transportation system is an important requirement for our country. In fact, the American transportation system is the envy of the world. But there is always the opportunity to improve the transportation system, both immediately and in the future. Such improvements are the goals of this bill.

Title I of this bill amends the Hazardous Materials Transportation Act. The bill mandates that the Secretary of Transportation explore the use of the intelligent vehicle-highway system technologies to promote the safe transportation of hazardous materials. In addition, there is a provision that could help to stem the appalling loss of life in grade crossing accidents. Over 600 people are killed each year due to grade crossing accidents. Further, the bill mandates tighter enforcement of truck drivers' records and their record of duty status. These provisions will allow authorities to remove fatigued and overworked drivers from the Nation's highways.

Title II of this amended bill is entitled the Trucking Industry Regulatory Reform Act of 1994. The text of title II is very similar to S. 2275, which was introduced by Senator EXON and cosponsored by Senator PACKWOOD. This title is the product of a bipartisan effort to provide meaningful reform in the surface transportation industry. The provisions address the concerns raised by some that the Interstate Commerce Commission [ICC] is no longer needed and should be abolished immediately, without further discussion as to what

should be done with the ICC's functions or the effect on the public interest of eliminating the ICC.

This legislative language was developed after a Commerce Committee hearing on the ICC and its role in both the motor carrier and rail industries. The witnesses at that hearing were almost unanimous on three important issues. First, they supported further trucking reform legislation along the lines of S. 2275. Second, they agreed that there is a need for an independent ICC to attend to the important rail industry regulatory duties Congress entrusted to the ICC to protect the public interest. Third, they testified that any move to restructure or eliminate the ICC must be preceded by careful study of the advantages and disadvantages of such a move.

Title II of this bill accomplishes all of those goals. It broadens the entry provisions for carriers seeking to enter the industry. Allowing more carriers to enter the industry will create more competition within the industry and lower prices for the public. In addition, this title requires the ICC to devote more of its resources to its administration of the Nation's rail industry. The recent announcements by rail carriers of two contemplated mergers underscore the need for an ICC with the authority and expertise to pass on these very complicated and very important transactions in the public interest. Finally, this title provides for a study of the ICC's role in the future. The study is to determine which of the ICC's functions are necessary to the future of the Nation, and whether those functions should remain with the ICC or be transferred to another agency. In the case of function recommended for transfer, the study is to indicate when such a transfer could be accomplished without disruption to the public interest.

This legislation takes a constructive approach to improving the Nation's surface transportation system. Through this bill we will improve the present and future transportation of hazardous materials, increase our ability to ensure that only safe drivers use the roads, and ensure that the economic regulation of the motor carrier and rail industries is no more than is necessary to protect the public and contribute to industry's ability to move goods and provide service.

I urge my colleagues to support passage of S. 1640, as amended.

Mr. EXON. Mr. President, my substitute amendment to the Hazardous Materials Transportation Authorization Act includes a provision to improve compliance with the hours of service rules governing the number of hours which a driver can operate. These revisions will help ensure that the hours of service regulations are enforceable in a manner which does not impose an unreasonable cost to drivers or motor carriers.

The retention of documents for 5 years should not place any signifi-

cant *burden* on carriers. In most cases, these documents are retained for tax and expense purposes. This provision will give enforcement personnel easier access to documents which can support or disprove an allegation of hours of service violation. Reports that auditors have been forced to retrieve documents from garbage dumpsters or play hide-and-seek with firms that have a policy of habitual hours of service violation give rise to the need for this provision.

Most professional drivers and trucking firms obey the law. Those that do not endanger the driving public and compete unfairly with those who follow the rules. Most truckers I know, work hard and play by the rules. This provision will eventually help make our highways safer.

The Surface Transportation Subcommittee is very concerned about reports that a small number of drivers engage in gross and repeated abuse of the rules.

The purpose of this reform is to encourage compliance, discourage gross abuses, and give auditors and enforcement personnel the means to ensure, for example, that drivers are not backing their logbooks or driving "off the books."

The documents retained under this provision can help verify logbook entries, corroborate the time, date and location of a driver or serve as evidence which disproves the accuracy of log, book entries. Of course, the time, date and location on a receipt, phone bill or toll stub is only as accurate as the accuracy of the issuer.

The regulations under this provision would be subject to public comment and should encourage the use of self-compliance systems by motor carriers, such as computer programs which verify driver location. The regulations should also encourage a "systems" approach by carriers to help prevent as well as penalize violations. The documents covered by this provision could be written or electronic and could be generated by the carrier, driver or a third party.

The object of this provision is to help make the roads safer by giving enforcement personnel the ability to catch those *flagrant abusers*. It is not designed to create a trap for drivers who receive, for example, a pre-stamped toll receipt or to unfairly punish drivers for a de minimis deviation from the current rules.

To the extent technically feasible the regulations should also look to the future and the possibility of actually reducing the burdens of record keeping while at the same time enhancing the effectiveness of enforcement through the use of Intelligent Vehicle Highway Systems (IVHS) which in the near future could provide data directly to enforcement personnel.

Mr. President, this provision is an important safety advancement and merits the support of the U.S. Senate.

On a separate matter Mr. President, section 107 of the bill before the Senate

amends section 5125(g) of the Hazardous Material Transportation Act to give the Department of Transportation authority to obtain information from States on hazmat fees. Section 5125(g) as amended contains an administrative mechanism so that the Department of Transportation can determine whether hazmat fees are excessive or are used for purposes unrelated to transportation and therefore subject to preemption. While the recodification of title 49 (PL 103-272) intends no substantive changes in meaning there is a change in crucial language relating to 5125(g). I wish to make it clear that even though the recodification refers to fees that are "fair" rather than "equitable," the usual constitutional commerce clause protections remain applicable and prohibit fees that discriminate or unduly burden interstate commerce.

Mr. HOLLINGS. Mr. President, I rise today to advise my colleagues of the basis for my support of a provision in the amendment of the Senator from Nebraska to the Hazardous Materials Transportation Authorization Act of 1994. The provision pertains to the use of fibre drum packaging.

Congress has authorized the Department of Transportation (DOT) to grant exemptions to its requirements for packagings that are known to be safe. However, DOT has been reluctant to grant a domestic exemption for open-head fibre drums, despite DOT and industry records that show that these packagings have a 99.99 percent safety record. In fact, the open-head fibre drum which is based upon American technology has been used to ship hazardous materials in a safe manner in the United States for over 30 years.

COT's reason for denying the fibre drum industry's exemption request was that open-head fibre drums for liquids fail to meet certain U.N. requirements. It is important that Congress recognize that the U.N. standards with which these drums must conform have not been scientifically validated and there has been minimal experience in using these standards in the real transportation environment. Open-head fibre drums, on the other hand, conform to stringent industry standards and have a demonstrated 99.99 percent safety record in the real transportation environment. Despite DOT's authority under both the U.N. standards and the Hazardous Materials Transportation Act (HMTA) to make exceptions and exemptions to the standards adopted under docket HM-181, and the fact that DOT has granted other exceptions and exemptions to the FM-181 standards based on safety reasons, COT has refused to authorize the continued use of American Fibre drums in domestic commerce beyond October 1, 1996, when the FM-181 standards become totally effective. The bill approved by the Commerce, Science, and Transportation Committee did not address DOT's failure to continue the authorization of open-head fibre drums

because an appropriate provision for addressing this issue had not, at the time of the Committee's mark-up, been agreed upon.

The House of Representatives passed an HMTA reauthorization bill (H.R. 2178) on November 21, 1993. That bill included an HMTA amendment requiring DOT to conduct a rulemaking proceeding to determine whether open-head fibre drums can be safely regulated in accordance with standards other than the FM-181 standards by October 1, 1995. If the Department determines that alternative standards are appropriate, then they must issue these standards by October 1, 1995. The provision in the Senator from Nebraska's amendment to S. 1640 is the same as the one in H.R. 2173.

The provision does not specify the factors that DOT should consider in conducting the initial rulemaking. As a point of clarification, I ask the Senator from Nebraska whether my understanding is correct that it is the sponsors' intention that, in conducting this rulemaking to determine whether standards other than those of FM-181 may be used to safely regulate open-head, fibre drums, DOT must consider DOT's hazardous incident, reporting system and industry records and the 30 years of shipping experience associated with the use of these drums. I further understand that DOT must consider the existing industry standards for these drums since these standards have led to the industry's excellent shipping record.

Mr. EXON. Mr. President, I agree with the Chairman's understanding of DOT's consideration of the existing safety record and shipping experience of open-head fibre drums that have been used domestically in conducting its rulemaking under this provision. Additionally, DOT should consider the existing industry standards that have been developed by the fibre drum industry, since these standards are responsible for the current safety record of open-head fibre drums. The use of this data will help the Secretary of Transportation determine whether open-head fibre drums can be regulated safely in accordance with standards other than those of FM-181.

Mr. HOLLINGS. I thank the Senator from Nebraska for his comments. Based on this understanding, I support this legislation to amend the Hazardous Materials Transportation Act to authorize appropriations through fiscal year 1997 and to require DOT to conduct a rulemaking to determine if open-head fibre drums can be safely regulated. As provided in the House bill, DOT must make a determination by October 1, 1995, as to whether standards other than the FM-181 standards are appropriate and must issue these alternative standards by October 1, 1995. This amendment represents a viable approach to ensuring that a proven American technology is not unnecessarily eliminated while ensuring public safety concerns are met.

Mr. THURMOND. Mr. President. I rise today to ask Senator EXON, my colleague from Nebraska, a question regarding S. 1640, the Hazardous Materials Transportation Authorization Act of 1994. It is my understanding that S. 2275, the Trucking Industry Regulatory Reform Act of 1994, has been incorporated into this measure. My question is whether it is the intention of this legislation to include "mileage guide" within the definition of a "rate, classification, rule, or practice"?

Mr. EXON. Yes.

#### CONSIDERATION OF RECOMMENDATIONS

Mrs. HUTCHISON. Mr. President, I know that this Congress cannot bind a future Congress, however, as the current ranking Republican member of the Senate Surface Transportation Subcommittee, I believe that we can provide assurances of our intentions to proceed expeditiously to consider the recommendations for future reform by the Secretary of Transportation and the Interstate Commerce Commission. Does the current chairman of the Surface Transportation Subcommittee share my belief that our subcommittee should move ahead in a timely manner to consider reform recommendations in the next Congress?

Mr. EXON. I appreciate the Senator's question, and help in moving this important legislation. I share the Senator's intention. The reports required by this legislation will be taken most seriously and will be critical for future reform. I have every intention of giving the recommendations of the Secretary of Transportation and the Interstate Commerce Commission full, fair and swift consideration.

Mr. PACKWOOD. Mr. President, I am pleased to join Senator EXON in support of the Trucking Industry Regulatory Reform Act of 1994 and to thank him for his leadership.

Recently the House of Representatives voted to strike funding for the Interstate Commerce Commission from the Transportation appropriations bill for fiscal year 1995.

I strongly disagree with this approach. Anyone who knows my record knows that I would totally deregulate the trucking industry, other than safety and insurance. And I would totally deregulate the railroads except for modest exceptions. But I would keep the ICC. I do not quarrel with the job the ICC does. I quarrel with the job we give it to do.

I have learned over the years that merger for the sake of merger does not result in efficiency or reduced expenditures. I have also learned that small is better than big.

The ICC has expertise and independence that I value. It has been an asset in our efforts to deregulate transportation industries, and it is an efficient agency. Thirty years ago the ICC had 2,500 employees. Now it has 625.

We can reduce ICC's budget by eliminating some costly and obsolete motor carrier regulatory functions. Our bill will do this. Our bill will virtually

eliminate the ICC's remaining motor carrier functions. However, ICC performs other functions that would have to be performed by someone else. Transferring these functions to another agency would be extremely disruptive. And the General Accounting Office has concluded that the cost savings would be small.

Our bill is intended to address perceived problems in a deliberate and systematic fashion, and avoid the uncertainty, confusion and potential chaos that could ensue if we simply eliminate the ICC without a larger strategy.

Our bill offers the potential for further efficiencies down the road. It would direct the ICC and the Secretary of Transportation to study additional opportunities to streamline or eliminate remaining functions as well as any other means of achieving further efficiencies. I look forward to full and prompt consideration of the Secretary's findings and recommendations. I pledge to continue my efforts to reduce regulation and unnecessary government spending.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for the third reading and was read the third time.

Mr. FORD. Mr. President, I ask unanimous consent that, the Commerce Committee be discharged from further consideration of H.R. 2178, the House companion bill, and that the Senate then proceed to its immediate consideration: that all after the enacting clause be stricken and the text of S. 1640, as amended, be inserted in lieu thereof: that the bill be advanced to third reading and passed, the motion to reconsider be laid upon the table; and that upon disposition of H.R. 2178, the Senate measure be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2178) was deemed read the third time and passed.

The bill was not available for printing. It will appear in a future issue of the RECORD.

#### THE 100TH ANNIVERSARY OF JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of Senate Concurrent Resolution 60, expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States; that the Senate then proceed to its immediate consideration: that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table; that the preamble be agreed to; and that

any statement appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 60) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

#### S. CON. RES. 60

Whereas the Jewish War veterans of the United States of America, an organization of patriotic Americans dedicated to highlighting the role of Jews in the United States Armed Forces, will celebrate 100 years of patriotic service to the Nation on March 15, 1996;

Whereas thousands of Jews have proudly served the Nation in time of war;

Whereas thousands of Jews have died in combat while serving in the United States Armed Forces;

Whereas, in World War II alone, Jews received more than 52,000 awards for outstanding service in the United States Armed Forces, including the Medal of Honor, the Air Medal, the Silver Star, and the Purple Heart;

Whereas, in World War II alone, over 11,000 Jews died in combat while serving in the United States Armed Forces;

Whereas members of the Jewish War Veterans of the United States of America have volunteered over 10,000,000 hours at veterans' hospitals; and

Whereas honoring the sacrifices of Jewish veterans is an important component of recognizing the strong and patriotic role Jews have played in the United States Armed Forces; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a postage stamp should be issued to honor the 100th anniversary of the Jewish War veterans of the United States of America; and

(2) the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that such a postage stamp be issued.

Mr. GRAMM. Mr. President, I am very pleased that today the Senate will adopt Senate Concurrent Resolution 63, a concurrent resolution I submitted earlier this year expressing the sense of Congress that the Post Office should issue a stamp commemorating the 100th anniversary of the Jewish War Veterans of the United States of America. It is a testament to its broad, bipartisan appeal that 62 of my colleagues have cosponsored the proposal.

The Jewish War Veterans is the oldest active veterans organization in America. The Jewish people have a long and illustrious history of military service to this country in defense of our freedoms, including duty during the Revolutionary War. Jewish soldiers have won 15 Congressional Medals of Honor, and in World War II alone were presented over 52,000 awards for gallantry on the field of battle.

The service of Jewish veterans did not stop when they hung up their uniforms. Jewish War Veterans have sponsored a broad range of community and philanthropic activities, including summer camp opportunities for underprivileged children, college scholarships, senior citizen housing, and many



## HAZARDOUS MATERIALS TRANSPORTATION AUTHORIZATION ACT OF 1993

## EXON AMENDMENT NO. 2.552

Mr. FORD (for Mr. EXON) proposed an amendment to the bill (S. 1640) to amend the Hazardous Materials Transportation Act to authorize appropriations to carry out that act, and for other purposes: as follows:

Strike all after the enacting clause and insert the following:

**TITLE I—HAZARDOUS MATERIALS TRANSPORTATION ACT AMENDMENTS**

## SEC. 101. SHORT TITLE.

This title may be cited as the "Hazardous Materials Transportation Authorization Act of 1994".

## SEC. 102. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

## SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

Section 5127(a) (relating to authorization of appropriations) is amended by striking out "the fiscal year ending September 30, 1993," and inserting "fiscal year 1993, \$18,000,000 for fiscal year 1994, \$18,500,000 for fiscal year 1995, \$19,100,000 for fiscal year 1996, and \$19,670,000 for fiscal year 1997".

## SEC. 104. EXEMPTIONS FROM REQUIREMENT TO FILE REGISTRATION STATEMENT.

Section 5108(a) (relating to persons required to file) is amended by adding at the end the following new paragraph:

"(4) The Secretary may waive the filing of a registration statement, or the payment of a fee, required under this subsection, or both, for any person not domiciled in the United States who solely offers hazardous materials for transportation to the United States from a place outside the United States if the country of which such person is a domiciliary does not require persons domiciled in the United States who solely offer hazardous materials for transportation to the foreign country from places in the United States to file registration statements, or to pay fees, for making such an offer."

## SEC. 105. PLANNING GRANTS FOR INDIAN TRIBES.

(a) **AUTHORITY TO MAKE GRANTS.**—Section 5116(a)(1) (relating to planning grants) is amended—

(1) by inserting "and Indian tribes" after "States" the first place it appears; and

(2) by striking "in a State and between States" and inserting "on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe".

(b) **MAINTENANCE OF EFFORT.**—Section 5116(a)(2) (relating to planning grants) is amended—

(1) by inserting "or Indian tribe" after "State" the first and third places it appears;

(2) by striking "the State" the second place it appears;

(3) by inserting "the State or Indian tribe" before "certifies"; and

(4) by inserting "the State" before "agrees".

(c) **COORDINATION OF PLANNING.**—Section 5116(a) (relating to planning grants in general) is amended by adding at the end the following new paragraph:

"(3) A State or Indian tribe receiving a grant under this subsection shall ensure that planning under the grant is coordinated with emergency planning conducted by adjacent States and Indian tribes."

## SEC. 106. TRAINING CRITERIA FOR SAFE HANDLING AND TRANSPORTATION.

Section 5107(d) (relating to coordination of training requirements) is amended—

(1) by inserting "or duplicate" after "conflict with"; and

(2) by striking "hazardous waste operations and" and inserting "hazard communication, and hazardous waste operations, and".

## SEC. 107. DISCLOSURE OF FEES LEVIED BY STATES, POLITICAL SUBDIVISIONS, AND INDIAN TRIBES.

Section 5125(g) (relating to fees) is amended—

(1) by inserting "(1)" after "(g) FEES.--"; and

(2) by adding at the end the following:

"(2) A State or political subdivision thereof or Indian tribe that levies a fee in connection with the transportation of hazardous materials shall, upon the Secretary's request, report to the Secretary on—

"(A) the basis on which the fee is levied upon persons involved in such transportation;

"(B) the purpose for which the revenues from the fee are used;

"(C) the annual total amount of the revenues collected from the fee; and

"(D) such other matters as the Secretary requests."

## SEC. 108. ANNUAL REPORT.

Section 5121(e) (relating to annual report) is amended—

(1) by striking "Annual" in the subsection heading; and

(2) by striking the first sentence and inserting the following: "The Secretary shall, once every 2 years, prepare and submit to the President for transmittal to the Congress a comprehensive report on the transportation of hazardous materials during the preceding 2 calendar years."

## SEC. 109. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

(A) **IN GENERAL.**—In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary of Transportation shall ensure that the National Intelligent Vehicle-Highway Systems Program addresses, in a comprehensive and coordinated manner, the use of intelligent vehicle-highway systems technologies to promote hazardous materials transportation safety. The Secretary of Transportation shall ensure that 2 or more operational tests funded under such Act shall promote such safety and advance technology for providing information to persons who provide emergency response to hazardous materials transportation incidents.

(b) **GRANTS FOR CERTAIN EMERGENCY RESPONSE INFORMATION TECHNOLOGIES.**—

(1) In carrying out one of the operational tests under subsection (a), the Secretary of Transportation may make grants to one or more persons, including a State or local government or department, agency, or instrumentality thereof, to demonstrate the feasibility of establishing and operating computerized telecommunications emergency response information technologies that are used—

(A) to identify the contents of shipments of hazardous materials transported by motor carriers;

(B) to permit retrieval of data on shipments of hazardous materials transported by motor carriers;

(C) to link systems that identify, store, and allow the retrieval of data for emergency

response to incidents and accidents involving transportation of hazardous materials by motor carrier; and

(D) to provide information to facilitate responses to accidents and incidents involving hazardous materials shipments by motor carriers either directly or through linkage with other systems.

(2) Any project carried out with a grant under this subsection must involve two or more motor carriers of property. One of the motor carriers selected to participate in the project must be a carrier that transports mostly hazardous materials. The other motor carrier selected must be a regular-route common carrier that specializes in transporting less-than-truckload shipments. The motor carriers selected may be engaged in multimodal movements of hazardous materials with other motor carriers, rail carriers, or water carriers.

(3) To the maximum extent practicable, the Secretary of Transportation shall coordinate a project under this subsection with any existing Federal, State, and local government projects and private projects which are similar to the project under this subsection. The Secretary may require that a project under this subsection be carried out in conjunction with such similar Federal, State, and local government projects and private projects.

## SEC. 110. RAIL TANK CAR SAFETY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations under the following:

(1) The rulemaking proceeding under Docket HM-175A entitled "Crashworthiness Protection Requirements for Tank Cars".

(2) The rulemaking proceeding under Docket HM-201 entitled "Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Protection Flaws and Other Defects of Tank Car Tanks".

## SEC. 111. SAFE PLACEMENT OF TRAIN CARS.

The Secretary of Transportation shall conduct a study of existing practices regarding the placement of cars on trains, with particular attention to the placement of cars that carry hazardous materials. In conducting the study, the Secretary shall consider whether such placement practices increase the risk of derailment, hazardous materials spills, or tank ruptures or have any other adverse effect on safety. The results of the study shall be submitted to Congress within 1 year after the date of enactment of this Act.

## SEC. 112. GRADE CROSSING SAFETY.

The Secretary of Transportation shall, within 6 months after the date of enactment of this Act, amend regulations—

(1) under chapter 51 of title 49, United States Code, (relating to transportation of hazardous materials) to prohibit the driver of a motor vehicle transporting hazardous materials in commerce; and

(2) under chapter 315 of such title (relating to motor carrier safety) to prohibit the driver of any commercial motor vehicle.

from driving the motor vehicle onto a highway-rail grade crossing without having sufficient space to move completely through the crossing without stopping.

## SEC. 113. DRIVER'S RECORD OF DUTY STATUS.

(a) **IN GENERAL.**—

(1) The Secretary of Transportation shall prescribe regulations amending part 395 of title 49, Code of Federal Regulations, to improve—

(A) compliance by commercial motor vehicle drivers and motor carriers with hours of service requirements; and

(B) the effectiveness and efficiency of Federal and State enforcement officers reviewing such compliance.

(2) Such regulations shall be proposed not later than 12 months after the date of enactment of this Act and shall be issued and become effective not later than 18 months after such date of enactment. In prescribing the regulations, the Secretary of Transportation shall ensure that compliance can be achieved at a cost that is reasonable to drivers and motor carriers.

(b) CONTENTS OF REGULATIONS.—Such regulations shall include the following:

(1) A description of identification items (which include either driver name or vehicle number) that shall be part of a written or electronic document to enable such written or electronic document to be used by a motor carrier or by an enforcement officer as a supporting document to verify the accuracy of a driver's record of duty status.

(2) A provision specifying the number, type, and frequency of supporting documents that must be retained by a motor carrier so as to allow verification of the accuracy of such documents at a reasonable cost, of the driver and the motor carrier, of record acquisition and retention.

(3) A provision specifying the period during which supporting documents shall be retained by the motor carrier. The period shall be at least 6 months from the date of a document's receipt.

(4) A provision to authorize, on a case-by-case basis, motor carrier self-compliance systems that ensure driver compliance with hours of service requirements and allow Federal and State enforcement officers the opportunity to conduct independent audits of such systems to validate compliance with section 395.8(k) of title 49, Code of Federal Regulations (or successor regulations thereto). Such authorization may also be provided by the Secretary to a group of motor carriers that meet specific conditions that may be established by regulation by the Secretary and that are subject to audit by Federal and State enforcement officers.

(5) A provision to allow a waiver, on a case-by-case basis, of certain requirements of section 395.8(k) of title 49, Code of Federal Regulations (or successor regulations thereto), when sufficient supporting documentation is provided directly and at a satisfactory frequency to enforcement personnel by an intelligent vehicle-highway system, as defined by section 603 of the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note). Such waiver may also be allowed for a group of motor carriers that meet specific conditions that may be established by regulation by the Secretary.

(c) SUPPORTING DOCUMENT DEFINED.—For purposes of this section, a supporting document is any document that is generated or received by a motor carrier or commercial motor vehicle driver in the normal course of business that could be used, as produced or with additional identifying information, to verify the accuracy of a driver's record of duty status.

#### SEC. 114. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS.

(a) AMENDMENT OF REGULATIONS.—Within 18 months after the date of enactment of this Act, the Secretary of Transportation shall amend section 391.23 of title 49, Code of Federal Regulations (or successor regulations thereto), to—

(1) specify the safety information that must be sought under that section by a motor carrier with respect to a driver;

(2) require that such information be requested from former employers and that former employers furnish the requested information within 30 days after receiving the request; and

(3) ensure that the driver to whom such information applies has a reasonable oppor-

tunity to review and comment on the information.

(b) SAFETY INFORMATION.—The safety information required to be specified under subsection (a)(1) shall include information on—

(1) any motor vehicle accidents in which the driver was involved during the preceding 3 years;

(2) any failure of the driver, during the preceding 3 years, to undertake or complete a rehabilitation program under section 31302 of title 49, United States Code, (relating to limitation on the number of driver's licenses) after being found to have used, in violation of law or Federal regulation, alcohol or a controlled substance;

(3) any use by the driver, during the preceding 3 years, in violation of law or Federal regulation, of alcohol or a controlled substance subsequent to completing such a rehabilitation program; and

(4) any other matters determined by the Secretary of Transportation to be appropriate and useful for determining the driver's safety performance.

(c) FORMER EMPLOYER.—For purposes of this section, a former employer is any person who employed the driver in the preceding 3 years.

#### SEC. 115. RETENTION OF SHIPPING PAPERS.

Section 5110 (relating to shipping papers and disclosure) is amended by adding at the end the following new subsection:

"(e) RETENTION OF PAPERS.—After the hazardous material to which a shipping paper provided to a carrier under subsection (a) applies is no longer in transportation, the person who provided the shipping paper and the carrier required to maintain it under subsection (a) shall retain the paper or electronic image thereof for a period of 1 year to be accessible through their respective principal places of business. Such person and carrier shall, upon request, make the shipping paper available to a Federal, State, or local government agency at reasonable times and locations."

#### SEC. 116. TOLL FREE NUMBER FOR REPORTING.

The Secretary of Transportation shall designate a toll free telephone number for transporters of hazardous materials and other individuals to report to the Secretary possible violations of chapter 51 of title 49, United States Code, or any order or regulation issued under that chapter.

#### SEC. 117. TECHNICAL CORRECTIONS.

(a) AMENDMENTS RELATING TO PACKAGING.—(1) Sections 5102(3)(C)(ii) and 5102(4)(A)(iii) are each amended by striking "packages" and inserting "packagings".

(2) Sections 5103(b)(1)(A)(iii), 5121(c)(1)(A), 5125(b)(1)(E), and 5126(a) are each amended by striking "a package or" and inserting "a packaging or a".

(3) Section 5108(a)(1)(D) is amended—

(A) by striking "a bulk package" and inserting in lieu thereof "a bulk packaging"; and

(B) by striking "the package" and inserting "the bulk packaging".

(b) OTHER.—Section 5104(a)(1) is amended by striking "or package" each place it appears and inserting "a package, or packaging (or a component of a container, package, or packaging)".

#### SEC. 118. HOURS OF SERVICE RULEMAKING FOR FARMERS AND RETAIL FARM SUPPLIERS.

Not later than 3 months after the date of enactment of this Act the Secretary of Transportation shall initiate a rulemaking proceeding to determine whether or not the requirements of section 395.3 of title 49 Code of Federal Regulations, relating to hours of service, may be waived for farmers and retail farm suppliers when such farmers and retail farm suppliers are transporting crops or

farm supplies for agricultural purposes within a 50-mile radius of their distribution point or farm.

#### SEC. 119. TRAINING.

(a) SUPPLEMENTAL PUBLIC SECTOR TRAINING GRANTS.—Section 5116 (relating to planning and training grants, monitoring, and review) is amended by adding at the end the following new subsections:

"(j) SUPPLEMENTAL TRAINING GRANTS.—

"(1) In order to further the purposes or subsection (b), the Secretary shall, subject to the availability of funds, make grants to national nonprofit employee organizations engaged solely in fighting fires for the purpose of training instructors to conduct hazardous materials response training programs for individuals with statutory responsibility to respond to hazardous materials accidents and incidents.

"(2) For the purposes of this subsection the Secretary, after consultation with interested organizations, shall—

"(A) identify regions or locations in which fire departments or other organizations which provide emergency response to hazardous materials transportation accidents and incidents are in need of hazardous materials training; and

"(B) prioritize such needs and develop a means for identifying additional specific training needs.

"(3) Funds granted to an organization under this subsection shall only be used—

"(A) to train instructors to conduct hazardous materials response training programs;

"(B) to purchase training equipment used exclusively to train instructors to conduct such training programs; and

"(C) to disseminate such information and materials as are necessary for the conduct of such training programs.

"(4) The Secretary may only make a grant to an organization under this subsection in a fiscal year if the organization enters into an agreement with the Secretary to train instructors to conduct hazardous materials response training programs in such fiscal year that will use—

"(A) a course or courses developed or identified under subsection (j)(g); or

"(B) other courses which the Secretary determines are consistent with the objectives of this subsection;

for training individuals with statutory responsibility to respond to accidents and incidents involving hazardous materials. Such agreement also shall provide that training courses shall be open to all such individuals on a nondiscriminatory basis.

"(5) The Secretary may impose such additional terms and conditions on grants to be made under this subsection as the Secretary determines are necessary to protect the interests of the United States and to carry out the objectives of this subsection.

"(k) REPORTS.—Not later than September 30, 1997, the Secretary shall submit to Congress a report on the allocation and uses of training grants authorized under subsection (b) for fiscal year 1993 through fiscal year 1996 and grants authorized under subsection (j) and section 5107 for fiscal years 1995 and 1996. Such report shall identify the ultimate recipients of training grants and include a detailed accounting of all grant expenditures by grant recipients, the number of persons trained under the grant programs, and an evaluation of the efficacy of training programs carried out."

(b) FUNDING.—Section 5127(b) (relating to appropriations for hazmat employee training) is amended—

(1) by inserting "(1)" after "TRAINING.—", and

(2) by adding at the end the following:



• (2)(4) There shall be available to the Secretary for carrying out section 5116(j), from amounts in the account established pursuant to section 5116(i), \$250,000 for each fiscal year 1995, 1996, 1997, and 1993:

"(B) In addition to amounts made available under subparagraph (A), there is authorized to be appropriated to the Secretary for carrying out section 5116(j) \$1,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998."

(c) HAZMAT EMPLOYEE TRAINING PROGRAM.—

(1) The first sentence of section 5107(e) (relating to hazmat employee training requirements and grants) is amended to read as follows: "The Secretary shall, subject to the availability of funds under section 5127(c)(3), make grants for training instructors to train hazmat employees under this section."

(2) The second sentence of such section is amended by inserting "hazmat employee" after "nonprofit".

(3) Section 5107 (relating to hazmat employee training requirements and grants) is amended by adding at the end thereof the following new subsection:

"(g) EXISTING EFFORT.—No grant under subsection (e) shall supplant or replace existing employer-provided hazardous materials training efforts or obligations."

(4) Section 5127(b) (relating to hazmat employee training funding) is amended to read as follows:

"(b) TRAINING OF HAZMAT EMPLOYEE INSTRUCTORS.—There is authorized to be appropriated to the Secretary \$3,000,000 for each of fiscal years 1995, 1996, 1997, and 1998 to carry out section 5107(e)."

(d) CONFORMING AMENDMENTS.—

(1) Section 5108(g)(2)(A)(viii) is amended by striking "5107(e)".

(2) Section 5116(i)(1) is amended by striking "and section 5107(e)".

(3) Section 5116(i)(3) is amended by striking "and section 5107(e)".

SEC. 120. TIME FOR SECRETARIAL ACTION.

(a) EXEMPTIONS.—Section 5117 (relating to exemptions and exclusions) is amended—

(1) by redesignating subsections (c) and (d) as (d) and (e) respectively, and

(2) by inserting after subsection (b) the following:

"(c) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall issue or renew the exemption for which an application was filed or deny such issuance or renewal within 180 days after the first day of the month following the date of the filing of such application, or the Secretary shall publish a statement in the Federal Register of the reason why the Secretary's decision on the exemption is delayed, along with an estimate of the additional time necessary before the decision is made."

(b) DECISIONS ON PREEMPTION.—Section 5125(d) (relating to decisions on preemption) is amended by inserting immediately after the second sentence the following: "The Secretary shall issue a decision on an application for a determination within 180 days after the date of the publication of the notice of having received such application, or the Secretary shall publish a statement in the Federal Register of the reason why the Secretary's decision on the application is delayed, along with an estimate of the additional time necessary before the decision is made."

SEC. 121. STUDY OF HAZARDOUS MATERIALS TRANSPORTATION BY MOTOR CARRIERS NEAR FEDERAL PRISONS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine the safety considerations of transporting hazardous materials by motor carriers in close proximity to Federal prisons, particularly those housing maximum security pris-

oners. Such study shall include an evaluation of the ability of such facilities and the designated local planning agencies to safely evacuate such prisoners in the event of an emergency and any special training, equipment, or personnel that would be required by such facility and the designated local emergency planning agencies to carry out such evacuation. Such study shall not apply to or address issues concerning rail transportation of hazardous materials.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on the results of the study conducted under this section, along with the Secretary's recommendations for any legislative or regulatory changes to enhance the safety regarding the transportation of hazardous materials by motor carriers near Federal prisons.

SEC. 122. USE OF FIBER DRUM PACKAGING.

(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than the 60th day following the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking proceeding to determine whether the requirements of section 5103(b) of title 49, United States Code, (relating to regulations for safe transportation) as they pertain to open head fiber drum packaging can be met for the domestic transportation of liquid hazardous materials (with respect to those classifications of liquid hazardous materials transported by such drums pursuant to regulations in effect on September 30, 1991) with standards other than the performance-oriented packaging standards adopted under docket number HM-181 contained in part 178 of title 49, Code of Federal Regulations.

(b) ISSUANCE OF STANDARDS.—If the Secretary of Transportation determines, as a result of the rulemaking proceeding initiated under subsection (a), that a packaging standard other than the performance-oriented packaging standards referred to in subsection (a) will provide an equal or greater level of safety for the domestic transportation of liquid hazardous materials than would be provided if such performance-oriented packaging standards were in effect, the Secretary shall issue regulations which implement such other standard and which take effect before October 1, 1996.

(c) COMPLETION OF RULEMAKING PROCEEDING.—The rulemaking proceeding initiated under subsection (a) shall be completed before October 1, 1995.

(d) LIMITATIONS.—

(1) The provisions of subsections (a), (b), and (c) shall not apply to packaging for those hazardous materials regulated by the Department of Transportation as poisonous by inhalation under chapter 51 of title 49, United States Code.

(2) Nothing in this section shall be construed to prohibit the Secretary of Transportation from issuing or enforcing regulations for the international transportation of hazardous materials.

SEC. 123. BUY AMERICA.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available under this title may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act"), which are applicable to those funds.

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title, it is the sense of Congress that entities receiving such assistance should, in expending such assistance, purchase only American-made equipment and products.

(2) In providing financial assistance under this title, the Secretary of Transportation shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by Congress.

(c) PROHIBITION OF CONTRACTS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this title, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(d) RECIPROCITY.—

(1) Except as provided in paragraph (2), no contract or subcontract may be made with funds authorized under this title to a company organized under the laws of a foreign country unless the Secretary of Transportation finds that such country affords comparable opportunities to companies organized under laws of the United States.

(2)(A) Secretary of Transportation may waive the provisions of paragraph (1) if the products or services required are not reasonably available from companies organized under the laws of the United States. Any such waiver shall be reported to Congress.

(B) Paragraph (1) shall not apply to the extent that to do so would violate the General Agreement on Tariffs and Trade or any other international agreement to which the United States is a party.

## TITLE II.—TRUCKING INDUSTRY REGULATORY REFORM

SEC. 201. SHORT TITLE.

This title may be cited as the "Trucking Industry Regulatory Reform Act of 1994".

SEC. 202. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 203. PURPOSE.

The purpose of this title is to enhance competition, safety, and efficiency in the motor carrier industry and to enhance efficiency in government.

SEC. 204. TRANSPORTATION POLICY.

Section 10101(a)(2) (relating to transportation policy) is amended—

(1) by redesignating subparagraphs (A) through (I) as subparagraphs (C) through (K), respectively, and

(2) by inserting before subparagraph (C) (as so redesignated) the following: "(A) encourage fair competition, and reasonable rates for transportation by motor carriers of property; (B) promote Federal regulatory efficiency in the motor carrier transportation system and to require fair and expeditious regulatory decisions when regulation is required;"

SEC. 205. EXEMPTIONS.

(a) IN GENERAL.—Section 10505 (relating to authority to exempt rail carrier transportation) is amended—

(1) by inserting "or a motor carrier providing transportation of property other than household goods, or in non-contiguous domestic trade," after "rail carrier providing transportation" in subsection (a).

(2) by inserting "section 10101 or" before "section 10101a" in subsection (a)(1) and subsection (d).

(3) by inserting "or a motor carrier providing transportation of property other than

household goods, or in non-contiguous domestic trade," after "rail carrier" in subsection (n), and

(1) by striking out "or" in subsection (g), and inserting after "subparagraph (f)" the following: "(3) to relieve a motor carrier of property or other person from the application or enforcement of the provisions of sections 10706, 10761, 10762, 10927, and 11707 of this title, or (4) to exempt a motor carrier of property from the application of, and compliance with, any law, rule, regulation, standard, or order pertaining to cargo loss and damage; insurance; antitrust immunity for joint line rates and routes; classification of commodities (including uniform packaging rules); uniform bills of lading, or standardized mileage guides; or safety fitness."

(b) **DEFINITION.**—Section 10102 (relating to definitions) is amended by redesignating paragraphs (18) through (31) as (19) through (32), respectively, and by inserting after paragraph (17) the following:

"(18) 'non-contiguous domestic trade' means motor-water transportation subject to the jurisdiction of the Commission under chapter 105 of this title involving traffic originating in or destined to Alaska, Hawaii, or a territory or possession of the United States."

#### (c) CLERICAL AMENDMENTS.—

(1) The caption of section 10505 is amended by inserting "and motor carrier" after "rail carrier".

(2) The chapter analysis for chapter 105 is amended by inserting "and motor carrier" after "rail carrier" in the item relating to section 10505.

#### SEC. 206. TARIFF FILING.

(a) **AUTHORITY TO ESTABLISH RATES.**—Section 10702(b) (relating to authority for carriers to establish rates, classifications, rules, and practices) is amended by inserting "except a motor contract carrier of property," after "A contract carrier".

(b) **PROHIBITION OF TRANSPORTATION WITHOUT TARIFF.**—Section 10761(a) (relating to transportation prohibited without tariff) is amended—

(1) by inserting "(excluding a motor common carrier providing transportation of property, other than household goods, under an individually determined rate, classification, rule, or practice, as defined in section 10102(13) or in noncontiguous domestic trade)" after "chapter 105 of this title", and

(2) by striking out "That carrier" in the second sentence and inserting "A carrier subject to this subsection".

(3) by inserting before the period at the end of the first sentence the following: "except that a motor carrier of property the application of whose rates is determined or governed by a tariff on file with the Commission cannot collect its rates unless the carrier is a participant in those tariffs", and

"(4) by inserting before the period at the end of the second sentence the following: "except that a motor carrier of property the application of whose rates are determined or governed by a tariff on file with the Commission shall issue a power of attorney to the tariff publishing agent of such tariff and, upon its acceptance, the agent shall issue a notice to the participating carrier certifying its continuing participation in such tariff, which certification shall be kept open for public inspection".

(c) **GENERAL TARIFF REQUIREMENT.**—Section 10762(t) (relating to general tariff requirement) is amended—

(1) by inserting "(excluding a motor common carrier providing transportation of property, other than household goods, under an individually determined rate, classification, rule, or practice, as defined in section 10102(13), or in noncontiguous domestic

trade)" after "A motor common carrier", in the second sentence of paragraph (1).

(2) by inserting "(excluding a motor common carrier providing transportation of property, other than household goods, under an individually determined rate, classification, rule, or practice, as defined in section 10102(13), or in noncontiguous domestic trade)" after "carriers" in the third sentence of paragraph (1).

(3) by striking the last sentence of paragraph (1) and inserting the following: "A motor contract carrier of property is not required to publish or file actual or minimum rates under this subtitle. Except as provided in the Negotiated Rates Act of 1993 and the amendments made by that Act, nothing in the Trucking Industry Regulatory Reform Act of 1994 (and the amendments made by that Act) creates any obligation for a shipper based solely on a rate that was on file with the Commission or elsewhere on the date of enactment of such Act.", and

(4) by adding at the end the following:

"(3) A motor common carrier of property (other than a motor common carrier providing transportation of household goods or in noncontiguous domestic trade) shall provide to the shipper, on request of the shipper, a written or electronic copy of the rate, classification, rules, and practices, upon which any rate agreed to between the shipper and carrier may have been based. When the applicability or reasonableness of the rates and related provisions billed by a motor common carrier is challenged by the person paying the freight charges, the Commission shall determine whether such rates and provisions are reasonable or applicable based on the record before it. In those cases where a motor common carrier (other than a motor common carrier providing transportation of household goods or in noncontiguous domestic trade) seeks to collect charges in addition to those billed and collected which are contested by the payor, the carrier may request that the Commission determine whether any additional charges over those billed and collected must be paid. A carrier must issue any bill for charges in addition to those originally billed within 180 days of the original bill in order to have the right to collect such charges."

"(4) If a shipper seeks to contest the charges originally billed, the shipper may request that the Commission determine whether the charges originally billed must be paid. A shipper must contest the original bill within 180 days in order to have the right to contest such charges."

"(5) Any tariff on file with the Commission on the date of enactment of the Trucking Industry Regulatory Reform Act of 1994 not required to be filed with the Commission after the enactment of that Act is null and void beginning on that date."

#### (d) PROPOSED RATE CHANGES.—

(1) **COMMON CARRIERS.**—Section 10762(c)(1) (relating to proposed rate changes) is amended by inserting "(excluding a motor common carrier providing transportation of property other than household goods, under an individually determined rate, classification, rule, or practice defined in section 10102(13), or in a noncontiguous domestic trade)" after "common carrier".

(2) **CONTRACT CARRIERS.**—Section 10762(c)(2) (relating to proposed rate changes) is amended by inserting "(except a motor contract carrier of property)" after "contract carrier".

(e) **EFFECT ON NEGOTIATED RATES ACT.**—Section 10762 (relating to general tariff requirements) is amended by adding at the end thereof the following new subsection:

"(f) Nothing in this section shall affect the application of the provisions of the Negotiated Rates Act of 1993 (or the amendments

made by that Act) to undercharge claims for transportation provided prior to the date of enactment of the Trucking Industry Regulatory Reform Act of 1994."

(f) **DEFINITION.**—Section 10102 (relating to definitions) is amended—

(1) by redesignating paragraphs (13) through (31) as (11) through (32), and

(2) by inserting after paragraph (12) the following:

"(13) 'individually determined rate, classification, rule, or practice' means a rate, classification, rule, or practice established by—

"(A) a single motor common carrier for application to transportation that it can provide over its line; or

"(B) 2 or more interlining carriers without participation in an organization established or continued under an agreement approved under section 10706(b) for application to transportation that the interlining carriers can provide jointly over their lines."

#### SEC. 207. MOTOR COMMON CARRIER LICENSING.

(a) **IN GENERAL.**—Section 10922 (relating to certification of motor and water carriers) is amended—

(1) by redesignating subsections (b) through (l) as (c) through (m), respectively, and by inserting after subsection (a) the following new subsection:

"(b)(1) Except as provided in this section, the Commission shall issue a certificate to a person authorizing that person to provide transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of property if the Commission finds that the person is able to comply with—

"(A) this subtitle, the regulations of the Commission, and any safety requirements imposed by the Commission."

"(B) the safety fitness requirements established by the Secretary of Transportation in consultation with the Commission under section 3114 of this title, and

"(C) the minimum financial responsibility requirements established by the Commission pursuant to section 10927 of this title."

"(2) In making a finding under paragraph (1), the Commission shall consider and, to the extent applicable, make findings on any evidence demonstrating that the applicant is unable to comply with the requirements of subparagraph (A), (B), or (C) of that paragraph."

"(3) The Commission shall find any applicant for authority to operate as a motor carrier under this section to be unfit if the applicant does not meet the safety and safety fitness requirements under paragraph (1)(h) of (1)(B) of this subsection and shall deny the application."

"(4) A person may protest an application under this subsection to provide transportation only on the ground that the applicant falls or will fail to comply with this subtitle, the regulations of the Commission, the safety requirements of the Commission, or the safety fitness or minimum financial responsibility requirements of paragraph (1) of this subsection."

(b) **PUBLIC CONVENIENCE AND NECESSITY.**—Section 10922(c) (relating to public convenience and necessity) is amended—

(1) by striking "carrier of property" in paragraph (1) and inserting "carrier of household goods",

(2) by striking paragraphs (4) and (6) and redesignating paragraphs (5), (7), (8), and (9) as (4), (5), (6), and (7), respectively,

(3) by striking "carrier holding authority under paragraph (4)(D) of this subsection" in paragraph (4) (as redesignated) and inserting "motor carrier providing transportation of shipments weighing 100 pounds or less transported in a motor vehicle in which no one package exceeds 100 pounds".

(4) by striking "of property" in paragraph (5) (as redesignated) and inserting "of household goods".

(5) by striking "of property" in paragraph (6) (as redesignated) and inserting "of household goods", and

(6) by striking "Notwithstanding the provisions of paragraph (4) of this subsection, the provisions" in paragraph (7) (as redesignated) and inserting "The provisions".

(c) **CERTIFICATE SPECIFICATIONS.**—Section 10922(f)(1) (relating to specifications for certificate), as redesignated by subsection (a) of this section, is amended by inserting "of household goods or passengers" after "motor common carrier".

(d) **PUBLIC CONVENIENCE AND NECESSITY.**—Section 10922(h)(1) (relating to public convenience and necessity), as redesignated by subsection (a) of this section, is amended by inserting "of household goods or passengers" after "motor common carrier".

#### SEC. 208. MOTOR CONTRACT CARRIER LICENSING.

(a) **AUTHORITY TO ISSUE PERMITS.**—Section 10923(a) (relating to authority to issue permits) is amended by inserting "of household goods or passengers" after "motor contract carrier".

(b) **MOTOR CONTRACT CARRIER PERMITS.**—Section 10923 (relating to permits of motor and water contract carriers and household goods freight forwarders) is amended by redesignating subsections (b) through (e) as (c) through (f), respectively, and by inserting after subsection (a) the following new subsection:

"(b)(1) Except as provided in this section and section 10930 of this title, the Commission shall issue a permit to a person authorizing the person to provide transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor contract carrier of property other than household goods if the Commission finds that the person is able to comply with—

"(A) this subtitle, the regulations of the Commission, and any safety requirements imposed by the Commission.

"(B) the safety fitness requirements established by the Secretary of Transportation in consultation with the Commission pursuant to section 3144 of this title, and

"(C) the minimum financial responsibility requirements established by the Commission pursuant to section 10927 of this title.

"(2) In deciding whether to approve the application of a person for a permit as a motor contract carrier of property other than household goods the Commission shall consider any evidence demonstrating that the applicant is unable to comply with this subtitle, the regulations of the Commission, safety requirements of the Commission, or the safety fitness and minimum financial responsibility requirements of subsection (b)(1).

"(3) The Commission shall find any applicant for authority to operate as a motor carrier of property other than household goods under this subsection to be unfit if the applicant does not meet the safety and safety fitness requirements of paragraph (1)(A) or (1)(B) of this subsection and shall deny the application.

"(4) A person may protest an application under this subsection to provide transportation only on the ground that the applicant fails to comply with this subtitle, the regulations of the Commission, safety requirements of the Commission, or the safety fitness or minimum financial responsibility requirements of paragraph (1)."

(c) **APPLICATION FILING REQUIREMENTS.**—Section 10923(c) (relating to application filing requirements), as redesignated by subsection (b) of this section, is amended—

(1) by striking "motor contract carrier of property" in paragraphs (3) and (4) and inserting "motor contract carrier of household goods",

(2) by striking paragraph (5) and redesignating paragraphs (6) and (7) as (5) and (6), respectively, and

(3) by striking "motor contract carriers of property" in paragraph (5) (as redesignated) and inserting "motor contract carriers of household goods".

(d) **CONDITIONS OF TRANSPORTATION ON SERVICE.**—Section 10923(e) (relating to conditions of transportation or service), as redesignated by subsection (b) of this section, is amended—

(1) by inserting "of passengers or household goods" after "contract carrier" in paragraph (1), and

(2) by striking "each person or class of persons (and, in the case of a motor contract carrier of passengers, the number of persons)" in paragraph (2) and inserting "in the case of a motor contract carrier of passengers, the number of persons".

#### SEC. 209. REVOCATION OF MOTOR CARRIER AUTHORITY.

Section 10925(d)(1) (relating to effective period of certificates, permits, and licenses) is amended—

(1) by striking "if a motor carrier or broker" in subparagraph (A) and inserting "if a motor carrier of passengers, motor common carrier of household goods, or broker",

(2) by striking "and" at the end of subparagraph (A),

(3) by redesignating subparagraph (B) as (D) and inserting after subparagraph (A) the following new subparagraphs:

"(B) if a motor contract carrier of property, for failure to comply with safety requirements of the Commission or the safety fitness requirements pursuant to section 10701, 10924(e), 10927(b) or (d), or 31144, of this title;

"(C) if a motor common carrier of property other than household goods, for failure to comply with safety requirements of the Commission or the safety fitness requirements pursuant to section 10701, 10702, 10924(e), 10927(b) or (d), or 31144 of this title; and"

#### SEC. 210. STUDY OF INTERSTATE COMMERCE COMMISSION FUNCTIONS.

(a) **INTERSTATE COMMERCE COMMISSION REPORT.**—The Interstate Commerce Commission shall prepare and submit to the Secretary of Transportation and to each Committee of the Congress having jurisdiction over legislation affecting the Commission a report identifying and analyzing all regulatory responsibilities of the Commission. The Commission shall make recommendations concerning specific statutory and regulatory functions of the Commission that could be eliminated or restructured. The Commission shall submit the report within 60 days after the date of enactment of this Act.

(b) **SECRETARY OF TRANSPORTATION STUDY.**—The Secretary of Transportation shall study the feasibility and efficiency of merging the Interstate Commerce Commission into the Department of Transportation as an Independent agency, combining it with other federal agencies, retaining the Interstate Commerce Commission in its present form, eliminating the agency and transferring all or some of its functions to the Department of Transportation or other federal agencies, and other organizational changes that lead to government, transportation, or public interest efficiencies. The study shall consider the cost savings that might be achieved, the efficient allocation of resources, the elimination of unnecessary functions, and responsibility for regulatory func-

tions. The Secretary shall solicit comments from the public with respect to both the Department's and the Commission's findings. The Secretary shall submit the results of such study together with any recommendations to the Congress within 1 month after the date of the submission of the Interstate Commerce Commission report required in subsection (a).

#### SEC. 211. LIMITATION ON STATE REGULATION OF INTRASTATE TRANSPORTATION OF PASSENGERS BY BUS.

(a) **IN GENERAL.**—Chapter 109 (relating to licensing) is amended by adding at the end thereof the following new section:

"§ 10936. Limitation on State regulation of intrastate passengers by bus

"A State or political subdivision of a State may not enforce any law or regulation relating to intrastate fares for the transportation of passengers by bus by an interstate motor carrier of passengers over a route authorized by the Commission."

(b) **CONFORMING AMENDMENTS.**—

(1) Section 10521(b)(1) is amended by inserting "10936" after "10935."

(2) Section 11501 is amended by striking subsection (e) and redesignating subsections (f) and (g) as (e) and (f), respectively.

(3) The table of sections for subchapter IV of chapter 109 is amended by adding at the end the following new item:

"10936. Limitation on State regulation of intrastate passengers by bus."

#### SEC. 212. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect upon the enactment of this Act, except for sections 207 and 208, which shall take effect on January 1, 1995.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet at 2:00 p.m. on Thursday, August 11, 1994, in open session, to receive testimony on the Military Implications of the Chemical Weapons Convention [CWC].

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, August 11, 1994, at 10:00 a.m. for an executive session to consider pending matters before the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, August 11, 1994, at 2:00 p.m. for an oversight hearing on the activities of the U.S. Olympic Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the Full Commi t-